



W.P.(MD)No.1434 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1434 of 2016
and W.M.P.(MD)No.1190 of 2016

Reliance Jio Infocomm Ltd.,
Rep. by its Legal Manager,
D.Kalaimani,
89, Dr.Radhakrishnan Salai,
Sullivan Garden, Mylapore,
Chennai – 600 004.

... Petitioner

versus

1. Tamil Nadu Electricity Board,
Rep. by its Junior Grade Electricity Engineer,
Distribution Township,
Shanthi Nagar,
Tirunelveli.

2. The Executive Officer,
Arulmigu Venkatachalapathi Temple,
Thimmarajapuram,
Tirunelveli District.

(R2 is suo motu impleaded vide
order dated 04.10.2023)



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3. The Joint Commissioner,
HR&CE Department,
Tirunelveli.
(R3 is suo motu impleaded
vide order dated 18.10.2023)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent dated 06.02.2015 in proceedings Ka.No.E.Ne.Po/Vi/Na.Pu/Sa.Nagar/Ko.Kattu/A.No.366/201 quash the same and consequently direct the respondent to provide electricity service connection to the petitioner for erecting cell phone tower to provide broad band services on the basis of the lease agreement dated 07.10.2013 bearing document No.5095/2013.

For Petitioner	: Mr.R.C.Shankar Ganesh
For R1	: Mr.S.Deenadhayalan, Standing Counsel
For R2	: Mr.H.Arumugam
For R3	: Mr.P.Subbaraj, Special Government Pleader

ORDER

This writ petition has been filed in the year 2016 challenging the order of the first respondent dated 06.02.2015 rejecting the request of



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the petitioner for providing electricity service connection for the land in Survey No.165/3.

2. The learned counsel appearing for the petitioner, by referring to the lease agreement dated 07.10.2013, which was registered as document No.5095/13, submits that the petitioner is having a lease agreement and he is also intending to erect cell phone tower in the premises. However, the respondent Board is taking a stand that it is a temple land.

3. The learned Standing Counsel appearing for the Electricity Board submits that based on the objection received from the second respondent/temple, the first respondent has passed the impugned order and also directed the petitioner to produce a No Objection Certificate from the temple authority.



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4. The learned counsel for the second respondent temple submits that several persons have encroached the temple lands and a similar request on the said land has already been dealt with by this Court in W.P.(MD)No.13188 of 2016 and the same was dismissed by order dated 11.10.2023 and other writ petitions filed by similar encroachers for electricity service connection were also rejected by this Court and the appeals filed as against those orders have also been rejected. The learned counsel has also produced a copy of patta for the subject land which stands in the name of the Temple.

5. In view of the said submission, this writ petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

15.11.2023

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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Tamil Nadu Electricity Board,
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2. The Executive Officer,
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Tirunelveli District.
3. The Joint Commissioner,
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B.PUGALENDHI, J.

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